

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:  
ANA T FIGUEROA ROMAN

Alejandro Oliveras-Rivera,  
Standing Chapter 13 Trustee  
for the estate of  
ANA T FIGUEROA ROMAN

PLAINTIFF

Vs.

Nomar Andre Torres Laboy  
Ana T. Figueroa Roman  
Co-defendant John Doe  
Co-defendant Jane Doe  
Co-defendant ABC Insurance  
Company

DEFENDANTS

CASE NO. 19-03969 EAG

CHAPTER 13

ADVERSARY NO. 21-00047

AVOIDANCE OF FRAUDULENT  
TRANSFER UNDER SECTION 548

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT

TO THE HONORABLE COURT:

**COMES NOW**, Plaintiff, Alejandro Oliveras Rivera, by and  
through the undersigned attorney and very respectfully, **ALLEGES**,  
**STATES and PRAYS** as follows:

1. Plaintiff filed the instant Complaint on April 29, 2021.

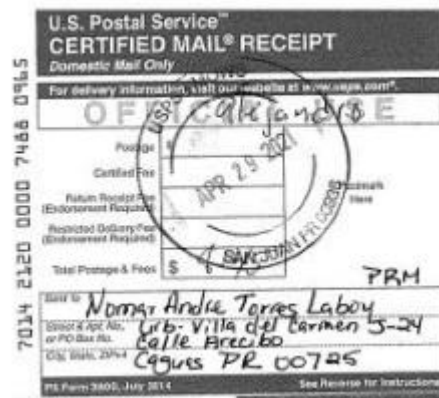
(Docket 1)

Complaint

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2. On same date, April 29, 2021, Summons were issued. (Dockets 2,3,4,5,6). As it pertains to defendant Nomar A. Torres Laboy, summon was issued on the aforementioned date at docket entry number six (6) of the adversary proceeding.
3. The defendant was served with process on April 29, 2021, as evidenced by the certificate of service on executed summon, which was filed on May 10, 2021 (See page 4 and 5 at docket number 7, on adversary proceeding case 21-00047). Defendant was required to appear and answer within thirty (30) days from the date of service. (docket 7). **See below image of certified mail receipt:**



4. On June 1<sup>st</sup>, 2021, defendant appeared and filed a motion requesting thirty (30) days to respond to the complaint. Defendant requested **until July 2, 2021** to file a response.

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5. This Honorable Court granted defendant's request for extension of time and entered an Order on June 4, 2021 granting defendant until July 2, 2021 to file a response.
6. To this date, twelve days (12) have elapsed since July 2, 2021 which was the date plaintiff had requested to respond. Moreover, forty-four (44) days have elapsed since the request was made by defendant; forty-one (41) days since this Honorable Court granted the Order and thirty nine (39) days since the service of the Court's Order granting the extension of time.
7. The period allowed by Bankruptcy Rule 7012 to file an answer to the Complaint **has elapsed** as well as the extension of time requested by defendant. Despite being given several additional days to file the answer to the complaint, **Defendant has failed to answer or otherwise respond.**
8. For the reasons stated above, Plaintiff requests Defendant to be found in **default**, pursuant to Rule 55 of the Federal Rules of Civil Procedure, made applicable in Bankruptcy Rule 7055.

**WHEREFORE**, the PLAINTIFF, respectfully request that the Court **enter the default** of the Defendant **Nomar A. Torres Laboy**.

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**RESPECTFULLY SUBMITTED**, in San Juan, Puerto Rico, this 14<sup>th</sup> day of July, 2021.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date this document has been served to debtor(s), by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: **Defendant, Nomar A. Torres Laboy at his mailing address Urb. Villa del Carmen J-24, Calle Arecibo, Caguas, Puerto Rico 00725 and defendant/debtor Ana T. Figueroa Roman at PO BOX 411, Guaynabo, Puerto Rico 00970.** Also, the following were sent notice through the court's CM/ECF electronic mail system: Debtor's attorney and to the Assistant United States Trustee, Monsita Lecaroz, Esq.

**ALEJANDRO OLIVERAS RIVERA**  
**CHAPTER 13 TRUSTEE**  
P.O. Box 9024062  
San Juan, PR 00902-4062  
Tel. 977-3500 Fax 977-3521

By: **/s/Pedro R. Medina Hernandez**  
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